

KAUA‘I PLANNING COMMISSION
REGULAR MEETING
November 10, 2015

The regular meeting of the Planning Commission of the County of Kaua‘i was called to order by Chair Anderson at 9:00 a.m., at the Lihu‘e Civic Center, Mo‘ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Chair Angela Anderson
Vice Chair Sean Mahoney
Mr. Louis Abrams
Mr. Wayne Katayama
Ms. Amy Mendonca
Mr. Kimo Keawe
Mr. Roy Ho

The following staff members were present: Planning Department – Michael Dahilig, Leslie Takasaki, Shanlee Jimenez, Marisa Valenciano; Deputy County Attorney Jodi Higuchi-Sayegusa, Office of Boards and Commissions – Administrator Jay Furfaro

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Anderson called the meeting to order at 9:00 a.m.

ROLL CALL

Planning Director Michael Dahilig: Commissioner Mahoney?

Mr. Mahoney: Here.

Mr. Dahilig: Commissioner Katayama?

Mr. Katayama: Here.

Mr. Dahilig: Commissioner Abrams?

Mr. Abrams: Here.

Mr. Dahilig: Commissioner Mendonca?

Ms. Mendonca: Here.

Mr. Dahilig: Commissioner Keawe?

Mr. Keawe: Here.

Mr. Dahilig: Commissioner Ho?

Mr. Ho: Here.

Mr. Dahilig: Chair Anderson?

Chair Anderson: Here.

Mr. Dahilig: Madam Chair, you have seven (7) members present this morning.

Chair Anderson: Thank you.

APPROVAL OF THE AGENDA

Mr. Dahilig: Madam Chair, we do have the agenda. The Department would recommend approving the agenda as-is.

Chair Anderson: Do I have a motion to approve the agenda?

Mr. Mahoney: Madam Chair, move to approve the agenda.

Ms. Mendonca: Second.

Chair Anderson: All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 7:0.

MINUTES of the meeting(s) of the Planning Commission

Excerpt Minutes of Meeting of October 27, 2015 at 9:00 a.m. re ZA-2015-7 = County of Kaua'i, Planning Department.

Minutes of Meeting of October 27, 2015 at 9:01 a.m. re Z-IV-2016-5, U-2016-5 and SP-2016-2 = SolarCity Corporation.

Mr. Dahilig: Thank you, Madam Chair. We are on Item D, which is the Minutes of the Planning Commission. We have excerpt minutes from the October 27th meeting regarding ZA-2015-7, as well as meeting minutes for October 27th. This is a transcript of the 9:01 meeting regarding Zoning Permit Z-IV-2016-5, U-2016-5, and SP-2016-2. These are both to facilitate transmittal of the items over to the, I guess, further approval bodies. The Department would recommend approval at this time.

Chair Anderson: Do I have a motion to approve the minutes set forth in D.1. and D.2.?

Ms. Mendonca: So moved.

Mr. Keawe: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 7:0.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Dahilig: Thank you, Madam Chair. We are now on Item E, which is Receipt of Items for the Record. A supplement has been distributed to the Commission. Two (2) items; one (1) is a withdrawal request relating to Use Permit U-2016-4 and Class IV Zoning Permit Z-IV-2016-4, as well as a communication from the Kaua'i Historic Preservation Commission.

Chair Anderson: Do I have a motion to receive the items for the record?

Mr. Mahoney: Move to receive the items for the record, Madam Chair.

Ms. Mendonca: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 7:0.

HEARINGS AND PUBLIC COMMENT

Continued Agency Hearing (NONE)

Mr. Dahilig: Thank you, Madam Chair. We are on Item F, which is Hearings and Public Comment. For Item F.1., we have nothing as Continued Agency Hearings.

New Agency Hearing

Class IV Zoning Permit Z-IV-2016-4 and Use Permit U-2016-4 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Waha Road within the Shintani Subdivision in Kalāheo, situated at the terminus of Ulu Alii Street, approx. 850 ft. makai of the Ulu Alii Street/Waha Road intersection and further identified as 3957 Ulu Alii Place, Tax Map Key 2-3-015:052, and containing a total area of 10,042 sq. ft. = Patricia C. Pantone Trust.

Mr. Dahilig: Item F.2., which is New Agency Hearing. This is Class IV Zoning Permit Z-IV-2016-4 and Use Permit U-2016-4 to allow conversion of an existing residence into a bed and breakfast operation on parcel located along the western side of Waha Road within the Shintani

Subdivision in Kalāheo, situated at the terminus of Ulu Alii Street, approximately 850 feet makai of the Ulu Alii Street/Waha Road intersection and further identified as 3957 Ulu Alii Place, Tax Map Key 2-3-015 parcel 52, and containing a total area of 10,042 square feet. The applicant was the Patricia C. Pantone Trust.

Madam Chair, given the receipt of the withdrawal request in the previous action by the Commission, the Department would recommend actually not opening the agency hearing, but calling the item for any public testimony pursuant to HRS 92, given that there was a posting on this matter.

Chair Anderson: Is there anyone in the public that would like to give testimony on this agenda item?

Mr. Dahilig: Madam Chair, that's all that's needed for that particular item.

Continued Public Hearing (NONE)

Mr. Dahilig: Item F.3., which is Continued Public Hearing. We have none.

New Public Hearing (NONE)

Mr. Dahilig: Item F.4., New Public Hearing. We have none.

CONSENT CALENDAR (NONE)

Status Reports (None)

Director's Report(s) for Project(s) Scheduled for Agency Hearing, November 24, 2015.
(None)

Mr. Dahilig: Under Item G, Consent Calendar. We have no status reports, nor any Director's Reports scheduled for the Agency Hearing on November 24, 2015. However, I will say that there are agenda items that are being scheduled for November 24, 2015 that do not require an agency hearing, and we will circulate those.

EXECUTIVE SESSION (NONE)

Mr. Dahilig: There is no Executive Session.

GENERAL BUSINESS MATTERS

Design review for a stealth telecommunications structure and associated equipment, pursuant to Condition No. 1 of Class IV Zoning Permit Z-IV-2015-41, Use Permit U-2014-40

and Variance Permit V-2015-6 for a parcel located in Līhu‘e, situated at the Tip Top Motel/Café and Bakery site, further identified as 3173 Akahi Street, Tax Map Key 3-6-006:073, Līhu‘e, Kaua‘i = Verizon Wireless.

Mr. Dahilig: We are on Item I, which is General Business. This is design review for a stealth telecommunications structure and associated equipment, pursuant to Condition No. 1 of Class IV Zoning Permit Z-IV-2015-41, Use Permit U-2014-40, and Variance Permit V-2015-6 for a parcel located in Līhu‘e, situated at the Tip Top Motel/Café and Bakery site, further identified as 3173 Akahi Street, Tax Map Key 3-6-006 parcel 73, Līhu‘e, Kaua‘i; and Verizon Wireless.

Marisa is pinch hitting for our Deputy Director, as well as myself, on this matter, and can kind of give you some background on what the action is required of the Commission today.

Staff Planner Marisa Valenciano: Good morning, Madam Chair and members of the Commission. I’m going to jump to the Evaluation section of my report as it summarized what has happened since the last Planning Commission.

Ms. Valenciano read the Evaluation section of the Supplement #1 to the Director’s Report for the record (on file with the Planning Department).

Ms. Valenciano: I’ll withhold on my conclusion and recommendation. Thank you.

Chair Anderson: Thank you. Is the Applicant here?

Kathy O’Connor-Phelps: Good morning, Madam Chair and members of the Commission. Thanks for having me again.

Chair Anderson: Good morning. If I could just have you hold off. I would like to just call if there is anyone in the public that would like to give testimony on this agenda item, you may step forward.

Ms. O’Connor-Phelps: Sure.

Chair Anderson: Okay, seeing none. You may proceed.

Ms. O’Connor-Phelps: Okay. I won’t rehash everything that Marisa has given, but we did go to the Historic Board twice. The first time they did pick the clock tower. The second time they wanted to see added materials, which we did to cut down on the massing.

I do have an email from Jonathan Ota. He’s the owner of Tip Top; owner of the property. It is dated November 6, 2015. I was hoping he could be here today, but I told him that I would read his email into the record. He says, I favor the clock tower that has sides that come straight up. I know the Planning Department has plans to make Līhu‘e a walking town center, and this clock would be very useful when that day comes. I think the added materials make the tower blend in with the building, so I am happy with the design. I will cross my fingers and wait for the results of the meeting.

So, we also have the landlord who is in favor of the clock tower as well. I'm here to get any questions answered or comments.

Chair Anderson: We can take questions from the Commission at this time.

Mr. Keawe: Were there any other designs besides what you submitted? Smoke stack, the silo, and the water tank?

Ms. O'Connor-Phelps: Yes. We submitted based on...from the previous Planning Commission with you.

Mr. Keawe: Right.

Ms. O'Connor-Phelps: We submitted that smoke stack, water tank, and silo. We actually did look at a pineapple because I think somebody...it might've been you.

Mr. Keawe: No. (Laughter in background)

Ms. O'Connor-Phelps: It might've been you? Okay. It was you. (Laughter in background) So it's constructable, it's doable, but it's going to look fat like a water tank with a crown on top of it, you know? So it's just not going to look right.

Mr. Keawe: Yes.

Ms. O'Connor-Phelps: And we wanted to wait and see what Historic Board also recommended.

Mr. Keawe: Were there any questions that they brought up with regard to any of the designs before they arrived at the design to recommend the clock tower?

Ms. O'Connor-Phelps: I don't think so. I mean, they were pretty adamant about the clock tower, and that's what we left there with during the first meeting.

Mr. Keawe: And their only concern was the mass of the...?

Ms. O'Connor-Phelps: The massing, yes.

Mr. Keawe: So is there, in the exhibits, anything that shows the redesign of that or...?

Ms. O'Connor-Phelps: Yes, so the...do you guys have a copy of it or do you want me to...? Oh, you do.

Mr. Keawe: Do you know which one it is?

Ms. O'Connor-Phelps: It would be...let's see if we have a number on it.

Mr. Keawe: There are several in there.

Ms. O'Connor-Phelps: Yes. Oh we don't have it numbered. Well, it is...what do you have? Do you have it as an exhibit? Numbered or...?

Ms. Valenciano: Yes, I have Exhibit A as the recommended proposal design that was recommended by KHPRC. I believe that in Exhibit B, there are other alternative designs, and I think the last clock tower in there was the second photo simulation that was presented before KHPRC.

Ms. O'Connor-Phelps: So it would be the one with the...so we presented two (2). We presented...both of them had an extended roof, bands, we added bands to it, we added...there is like some decorative concrete that's on that building, the darker materials, we added that. We also presented a skinnier version of it. Planning recommended to Historic to go with the bigger one because of co-location.

Mr. Keawe: Because of what?

Ms. O'Connor-Phelps: Because of co-location for other carriers to be able to fit.

Mr. Keawe: Yes, to be able to...capacity for additional...

Ms. O'Connor-Phelps: So our fear was that we would build the smaller one and then they'd be back before you to expand it again.

Mr. Keawe: Right. You need more capacity within the...

Ms. O'Connor-Phelps: Exactly, exactly.

Mr. Keawe: Okay.

Chair Anderson: Okay. Any other questions?

Mr. Ho: Did you get any comments from your neighbors?

Ms. O'Connor-Phelps: We had one (1) person call me, and they wanted to know if it would affect their DirecTV or something like that. So, we sent that to RF, and gave them an email response that there was no problem with that. But no one showed up to Planning Commission, and no one showed up to the two (2) Historic Board meetings in opposition of the project.

Mr. Keawe: There was also, I think, a requirement to check with the Police Department, as far as frequency issues.

Ms. O'Connor-Phelps: It's in our conditions of approval.

Mr. Keawe: Right, right.

Ms. O'Connor-Phelps: Yes. Prior to pulling any building permit, we have to show that it won't interfere.

Mr. Keawe: Right.

Ms. O'Connor-Phelps: Correct.

Mr. Keawe: Okay.

Chair Anderson: Any further questions?

If I can have the Planner please read the recommendations.

Ms. Valenciano: Based on the foregoing findings and evaluation, it is hereby concluded that the proposed design for the telecommunication facility may be appropriate. The design should not be detrimental to persons, property, or the environment in the surrounding area.

On to my recommendation. So based on the foregoing, it is hereby recommended that the proposed design for the telecommunication facility approved under Use Permit U-2015-40, Variance Permit V-2015-6, and Class IV Zoning Permit Z-IV-2015-41 be approved. The conditions of approval stand as transmitted in the report.

Chair Anderson: Do you have any opposition to the conditions for approval?

Ms. O'Connor-Phelps: No, we do not.

Chair Anderson: Any further questions from the Commission? Any further questions?

Do I have a motion on the matter?

Mr. Mahoney: Madam Chair, move to approve design review for the structure, Condition No. 1 of Class IV Zoning Permit Z-IV-2015-41, Use Permit U-2015-40, and Variance Permit V-2015-6.

Chair Anderson: Is that based on the recommendations?

Mr. Mahoney: Based on the recommendations from the Department. Personally, I think the scale is a good scale. The aesthetics, I think, would fit in with the surrounding community.

Chair Anderson: Do I have a second?

Mr. Abrams: Second.

Chair Anderson: Okay. Any discussion?

Just to clarify, this is the recommended stealth clock tower from the KHPRC that we are moving forward with in Exhibit A.

Mr. Abrams: Yes. I'd like to thank Verizon for going the extra distance to facilitate us coming to some sort of conclusion here.

Ms. O'Connor-Phelps: Thank you. Actually, I said to the Historic Board that we were glad you sent us there because we came out with a much better project. We really did, so thank you guys.

Chair Anderson: Okay, any further discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Okay, motion carries 7:0. Thank you very much.

Ms. O'Connor-Phelps: Thank you.

COMMUNICATION (For Action) (NONE)

Mr. Dahilig: Thank you, Madam Chair. We are on Item J, Communication for Action. We have none this morning.

COMMITTEE REPORTS (NONE)

Mr. Dahilig: No Committee Reports.

UNFINISHED BUSINESS (For Action)

Mr. Dahilig: As well as no Unfinished Business.

NEW BUSINESS

Mr. Dahilig: And no New Business, given no agency hearings for this morning.

ANNOUNCEMENTS

Topics for Future Meetings

The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Līhu'e Civic Center, Mo'ikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i 96766 on Tuesday, November 24, 2015.

Mr. Dahilig: Topics for Future Meetings. I just want to give the Commission a heads-up. There is a meeting the Tuesday before Thanksgiving, so that's November 24, 2015. We'll be

distributing the batting order sheets. Dale is still working on them just to get them out. But just as a heads-up for that meeting, we do have two (2) bills that are for discussion at that meeting. One (1) is going to be on a bill that has come up from the Council from Councilmember Kagawa concerning the ADU sunset and eliminating the ADU sunset, given the character of who's registered in the program. It's really familiar with that law that was passed this past winter, so that's up for hearing. As well as a hearing of a bill that the Department is proposing concerning additional residential (sic) units within the Līhu'e District. Not additional dwelling units, but additional residential (sic) units within the Līhu'e District. It's a bill that is similar to some of the things that you've been hearing about in the City and County of Honolulu. So that will be up for policy discussion at the next meeting. There are no agency hearings on bills for that meeting, but there will be a pretty hearty discussion, I believe, on the things relating to residential.

Mr. Keawe: Mike, I had one (1) question. Is there any backlog with regard to Homestays or anything else? Or are we through that?

Mr. Dahilig: This is pretty much it. I think when you saw the Pantone application, this is pretty much it. So we will, per the law, cycle again to the ten (10) limit given this spring. We are already scheduling hearings out into January already due to the posting deadline, so you won't be seeing anything agency hearing like until probably this spring. So we'll be counting the required ten (10) at this point, but again, that depends on the bill that the Commission just passed at the last meeting, and whether or not that has an effect on the quota.

Other than that, that's all the business that is before the Commission this morning, Madam Chair.

Chair Anderson: With that, this meeting is adjourned.

ADJOURNMENT

Chair Anderson adjourned the meeting at 9:20 a.m.

Respectfully submitted by:

Darcie Agaran,
Commission Support Clerk

() Approved as circulated (add date of meeting approval)

() Approved as amended. See minutes of _____ meeting.